

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Case No. _____

(to be filled in by the Clerk's Office)

Gregory Wilson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Northampton County, et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint*)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, information filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$50) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Gregory Wilson

All other names by which
you have been known:

ID Number

0037663

Current Institution

Northampton County Prison

Address

666 Walnut Street

Easton

PA

18042

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Northampton County

Job or Title (*if known*)

Shield Number

Employer

Address

669 Washington Street

Easton

PA

18042

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

Bethlehem Police Department

Job or Title (*if known*)

Shield Number

Employer

Address

Bethlehem

PA

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 3

Name

Officer McFadden

Job or Title (if known)

Bethlehem Police Department

Shield Number

Employer

Bethlehem Police Department

Address

Bethlehem

City

PA

State

Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

Northampton County District Attorney's Office

Job or Title (if known)

Shield Number

Employer

Northampton County

Address

669 Washington Street

Easton

City

PA

State

18042

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

"See attached for additional defendants"

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

(4th) False imprisonment
Legal malpracticeFalse arrest
Excessive force

Malicious Prosecution

(8th) Cruel and Unusual Punishment 14th Due Process Unlawful detention / investigation

Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Failure to train Bethlehem employees (Police officers) and
Failure to train Northampton County employees (D.A.s) in
properly executing the law, following the Constitution and
affording citizens due process

State Torts - Malicious Prosecution False Imprisonment

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

"See attached"

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):



Pretrial detainee



Civilly committed detainee



Immigration detainee



Convicted and sentenced state prisoner



Convicted and sentenced federal prisoner



Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Bethlehem, Pennsylvania ; Bethlehem Township

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.


Northampton County Prison

- 6- Northampton County District Attorney who initiated and maliciously prosecuted case number MJ-03211-CR-0000511-2020 X Individual capacity & Northampton County 669 Washington Street Easton PA 18042 X Official capacity
- 7- 2nd Police Officer who assisted officer McFadden in unlawful arrest on or about November 5, 2020 (MJ-03211-CR-0000511-2020) X Individual capacity & Bethlehem Police Department Bethlehem PA X Official capacity

FACTUAL HISTORY OF CLAIMS

On or about November 5, 2020, I got my belongings at my girlfriend's house (1804 Oberly Street Bethlehem PA). When I opened the door to leave, I was met by two police officers (Officer McFadden # 1) (Officer # 2) who immediately arrested me forcefully without probable cause. I was maliciously pushed, slammed, twisted and cut. I have lasting scars from this incident. I repeatedly asked what I was being arrested for. Officer McFadden said I was being detained. I asked for what. Officer McFadden refused to answer. Officer # 2 also did not answer. My handcuffs were put on way too tight which made my hands go numb. I have cuts and scars on my arms and torso from the barbaric way I was treated. I was taken to Northampton County Prison November 5, 2020. She (my girlfriend) wrote letters to the Court to find out what happened. I was extremely upset and could not get answers. I went to 3 Court dates and found out I was being charged with simple assault and harassment. The D.A. for Northampton County tried keeping me in jail despite no evidence of a crime. I was finally released on December 5 2020 after complete dismissal of charges. This has affected my life in a negative way. I lost a very good job due to the unlawful actions of the defendants. My reputation has been tarnished as being labeled a criminal and lost many good job opportunities. I also suffer night terrors and get very anxious when I am around law enforcement. I lost time out of my life for no reason, I should not have been arrested. The police officers treated me like an animal and never explained why.

Respectfully,
Oct 26, 2022


Gregory Wilson

C. What date and approximate time did the events giving rise to your claim(s) occur?

" See attached "

November 5 2020 to December 5 2020

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

" See attached "

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Pain and suffering	psychological damages	cuts all over body
Emotional distress	depression	
Injury to reputation	anxiety	repeatedly requested
Loss of wages	humiliation	medical treatment
Aggravated my parole	PTSD	was denied

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Compensatory damages - \$75,000 ⁰⁰	Interests
Punitive damages - \$10,000 ⁰⁰	and all other damages
Actual damages (From loss of wages)	the court deems just and
Attorney fees	proper

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

/

2. What did you claim in your grievance?

/

3. What was the result, if any?

/

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

/

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐

Yes

☒

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)
- _____

3. Docket or index number
- _____

4. Name of Judge assigned to your case
- _____

5. Approximate date of filing lawsuit
- _____

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
- _____

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10.26.22

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Gregory Wilson

Gregory Wilson

0037663

666 Walnut Street

Easton

City

PA
State

18042
Zip Code

B. For Attorneys

Date of signing: /

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Gregory Wilson 0037663
COUNTY OF NORTHAMPTON
Northampton County Jail

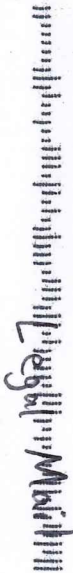
666 Walnut Street
Easton, Pennsylvania 18042



INMATE MAIL This correspondence is from
a County Jail and the sender is an inmate.
The contents have not been evaluated.
Northampton County Jail is not responsible
for the contents or debts incurred.

United States District Court
Eastern District of Pennsylvania
601 Market Street
Philadelphia PA 19106

19106-179653



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Gregory Wilson 0037663
COUNTY OF NORTHAMPTON
Northampton County Jail

666 Walnut Street
Easton, Pennsylvania 18042



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a County Jail and the sender is an inmate.
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United States District Court
Eastern District of Pennsylvania
601 Market Street
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